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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,888	06/20/2001	Seiji Tanaka	MAT-8152US	4515

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EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,888

Applicant(s)

TANAKA ET AL.

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-9,14,15 and 18-31 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,7-9,14,15 and 18-26 is/are allowed.
- 6) ☒ Claim(s) 27-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 11, with respect to the rejection(s) of claim(s) 1-26 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of claims 27-31.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakakibara US 4900902.

3. Regarding claim 27, Sakakibara teaches of data communication apparatus that has an image signal processing unit (20) that receives image data from reading portion (10) (column 2, lines 9-15 and figure 1), which reads on a method for storing data in a memory card loaded in an electric apparatus comprising obtaining data by the apparatus. Sakakibara teaches of a memory (70) that stores the image data (column 2, lines 36-39), which reads on storing the obtained data in the apparatus. Sakakibara

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teaches of a main control unit (60) that encodes and decodes data into modified Huffman (MH) coding or modified Read (MR) coding (column 2, lines 32-35), which reads on automatically transforming the obtained data into an applicable data format if the obtained data is no accessible to the memory card. He also teaches of a card unit (140) that writes data onto an IC card (column 2, lines 53-55), which reads on storing the obtained data in the memory card.

4. Regarding claim 29, Sakakibara teaches of a modem (90) (column 2, lines 42-50), which reads on a communication input and output unit for transmitting and receiving data through a communication line.

5. Regarding claim 30, Sakakibara teaches of reading portion (10) (column 2, lines 9-11), which reads on a scanner for reading an original document or image data.

6. Regarding claim 31, Sakakibara teaches of a main control unit (60) that encodes and decodes data into modified Huffman (MH) coding or modified Read (MR) coding (column 2, lines 32-35), which reads on data format transform unit for transforming the obtained data into an applicable data format if the obtained data is no accessible to the memory card.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara US 4900902 in view of Tanaka et al. US 6446177.

9. Sakakibara teaches of data communication apparatus that has an image signal processing unit (20) that receives image data from reading portion (10) (column 2, lines 9-15 and figure 1), which reads on a method for storing data in a memory card loaded in an electric apparatus comprising obtaining data by the apparatus. Sakakibara teaches of a memory (70) that stores the image data (column 2, lines 36-39), which reads on storing the obtained data in the apparatus. Sakakibara teaches of a main control unit (60) that encodes and decodes data into modified Huffman (MH) coding or modified Read (MR) coding (column 2, lines 32-35), which reads on automatically transforming the obtained data into an applicable data format if the obtained data is not accessible to the memory card. He also teaches of a card unit (140) that writes data onto an IC card (column 2, lines 53-55), which reads on storing the obtained data in the memory card.

10. Sakakibara fails to teach of the memory card is a copyright-protected memory card.

11. Tanaka et al. teaches of a flash memory card that has an identifying code used for restricting conditions for the use of a file stored on the flash memory card (column 8, lines 1-9), which reads on the memory card is a copyright-protected memory card.

The data communication apparatus of Sakakibara could have been modified with the flash memory card of Tanaka et al. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to copyright or prevent the unauthorized use of information stored on the flash memory card.

Allowable Subject Matter

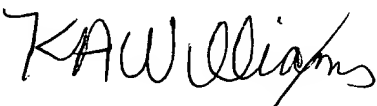
12. Claims 1-3,7-9,14,15 and 18-26 are allowed.
13. The following is a statement of reasons for the indication of allowable subject matter: Claims 1,8,9,21,23 and 25 of the current application teaches similar subject matter as the prior art of Sakakibara US 4900902. However, claims 1,8,9,21,23 and 25 are allowed for the reasons pointed out by Applicant's remarks (page 11).
14. It follows that dependent claims 2,3,5,7,14,15,18,19,20,22,24 and 26, are inherently allowable for depending on an allowable base claim.

Conclusion


15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626



Mlb
July 24, 2005